

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 08-366 (JNE)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	GOVERNMENT'S POSITION WITH
	)	RESPECT TO SENTENCING
v.	)	
	)	
DAVID ERNEST EVERETT, JR.,	)	
	)	
Defendant.	)	

The United States of America, by and through its attorneys Frank J. Magill, Jr., United States Attorney for the District of Minnesota, and Assistant United States Attorney Timothy C. Rank, submits this memorandum setting forth its position with respect to sentencing factors in this matter.

**I. The PSR**

The United States agrees with the conclusions set forth in the Presentence Investigation Report ("PSR") with respect to the appropriate guidelines calculations. Based on his criminal history of IV and an offense level of 13, defendant is subject to a guidelines range of 24 to 30 months in prison.

**II. The Appropriate Sentence in Light of 18 U.S.C. § 3553(a)**

The United States respectfully suggests that a sentence at the bottom of the guidelines range is appropriate and reasonable in this case.

Dated: May 15, 2009

Respectfully submitted,

FRANK J. MAGILL, JR.  
United States Attorney

s/Timothy C. Rank

BY: TIMOTHY C. RANK  
Assistant U.S. Attorney